

REMARKS:

This amendment was originally sent on August 18, 2003. The inventor neglected to present claims 1-35 as cancelled. This version of the amendment adds a statement to correct this.

The original application was found by the examiner to consist of 13 separate invention groups. The inventor was asked to elect or restrict the application to only one of these.

In response to this, the inventor sent in an amendment which was filed on May 1, 2003. In that amendment, all claims were cancelled, and new ones drafted, so that the application referred to only one process invention.

The examiner found that the inventor had not responded to the election/restriction request, and had, in the process of drafting new claims, changed the invention(s). In particular, the new claims did not describe the invention as pertaining to evaluating growth factors.

Therefore, the examiner requests all claims to be reinstated based on the original invention and election/restriction request.

By way of this amendment, the applicant selects invention group I, original claims 1-4.

The current pending claims, 35 -50, have been re-written. With this amendment, the master process claim (claim 35) is essentially the same as original claim 1, with the addition of the process steps. Claim 35 now has language describing the process invention as pertaining to biological ligands. Also, claims 37 and 38 read essentially the same as original claims 3 and 2, respectively. Claim 38 also refers to biological ligands. The word ligand now appears throughout the additional dependent claims..

It is thought now that the claims presented refer back to the original invention of the evaluation of growth factors OR biological factors (group I: class 435, subclass 7.9).

Original claims 1 - 3 do refer to growth factors, and to the broader terms of biological factors and biological ligands. The term growth factors has been removed from the claims, since the specification does not in any way limit the process to growth factors, but specifies all biological factors or biological ligands, whether growth factors or not.

Claims 36 - 50, have been amended so that they are process or product claims dependent on process claim 35. Since these only further limit claim 35, it is thought that they do not constitute novel inventions. Since claim 35 is essentially the same as original claim 1, the claims all refer back to each other and constitute the pursuance of invention group I.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Cavanaugh", written over the word "Sincerely,".

Philip Cavanaugh

Inventor

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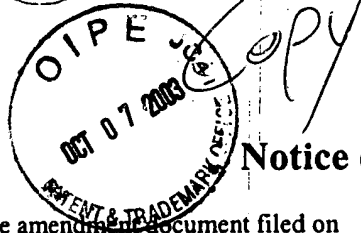
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8.20.03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following omission(s) or provision is required. Only the section (1.121(h)) of the amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.

THE FOLLOWING CHECKED (X) ELEMENTS(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other: _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other: _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☒ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (incl. withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: Please present Claims 1-35 as cancelled.

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)